



Docket No.: 263524US0PCT



ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/519,841
Applicants: Frank DIETSCHE, et al.
Filing Date: January 12, 2005
For: RADIATION-CURABLE PAINT SYSTEMS HAVING
A LOWER LAYER WITH LOW- TEMPERATURE
ELASTICITY
Group Art Unit: 1794
Examiner: KRUER, K.

SIR:

Attached hereto for filing are the following papers:
**RESPONSE TO THE NOTIFICATION OF A NON-COMPLIANT APPEAL BRIEF
W/ATTACHMENT (REVISED PAGE 2 OF APPEAL BRIEF)**

Our online credit card payment in the amount of \$0.00 is being made covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Frederick D. Vastine, Ph.D.

Registration No. 27,013

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

DOCKET NO: 263524US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
DIETSCHKE, FRANK, ET AL : GROUP: 1794
SERIAL NO: 10/519,841 :
FILED: JANUARY 12, 2005 : EXAMINER: KRUEER, K.
FOR: RADIATION-CURABLE PAINT :
SYSTEMS HAVING A LOWER
LAYER WITH LOW-
TEMPERATURE ELASTICITY

RESPONSE TO THE NOTIFICATION OF A NON-COMPLIANT APPEAL BRIEF

COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

The Examiner in his Action of June 18, 2008 refers to an amendment that was allegedly filed on October 18, 2007 in the above-identified application. However, applicants' record does not contain an amendment that was filed on this date. It is noted that the Examiner in the Advisory Action of November 1, 2007 refers to applicants' reply of October 18, 2007. However, applicants did not file an amendment on this date, but rather a Notice of Appeal. A response to the final Office Action was filed on August 29, 2007. The Examiner then issued his Advisory Action of November 1 in which he indicated that applicants' amendments would be entered into the record upon appeal of the case to the Board of Appeals. Accordingly, only one amendment was filed into the record after the final Action dated June 18, 2007. (A corrected copy of page 2 of the appeal brief is enclosed, since the status of the amendments also incorrectly identifies the date of filing the amendment after final as October 18, 2007.)


As to the matter of the appealed claims, a Claims Appendix has been attached to the brief in which the claims of the case on appeal are correctly identified as Claims 1-9 and 16-24. Claims 10-15 were canceled in the amendment filed March 12, 2007. Further, Claim 25 has been withdrawn from consideration. No further correction of the appeal brief is believed to be warranted.

Having resolved the issues in the outstanding letter from the PTO, continuation of the appeal is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850



Frederick D. Vastine
Registration No. 27,013